

AMERICAN PILOTS' ASSOCIATION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
MARITEL, INC.)	FCC 04-171
And)	WT Docket No. 04-257
MOBEX NETWORK SERVICES, LLC)	RM-10743
)	
Petitions for Rule Making to Amend the)	
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)	October 12, 2004
Station Licensees)	

COMMENTS OF THE AMERICAN PILOTS' ASSOCIATION

The American Pilots' Association (APA) submits these Comments in response to the Federal Communication Commission's (FCC) Notice of Proposed Rulemaking published in the Federal Register on August 10, 2004.

The APA is the national trade association of professional maritime pilots. Its membership is made up of approximately 60 groups of state-licensed pilots, comprising virtually all state pilots in the country, as well as the three groups of United States-registered pilots operating in the Great Lakes. APA members pilot over 95 percent of all international trade vessels moving in U.S. waters.

It is essential to retain adequate, available, internationally-interoperable VHF spectrum to meet the needs of maritime safety and security.

The APA commends the Commission's commitment to maintaining the core purpose of the Maritime Services—providing for the unique distress, operational, and personal communications needs of vessels at sea and on inland waterways--as stated in its Notice of Proposed Rulemaking. Maritime commerce is expected to double within the next twenty years. There is a growing need for vessel movement and port operations communications. Recreational boating and commercial fishing also depend on this VHF spectrum for essential communications. These and other uses necessitate safeguarding the remaining available VHF spectrum for Maritime Services.

Much of the maritime services spectrum has already been reallocated. The spectrum in question here is the only available, internationally-interoperable maritime spectrum remaining in the United States above 26 MHz. It must be preserved for its intended purpose and not reallocated or encumbered by incompatible uses.

The public interest in preserving the integrity and viability of the remaining Maritime Services VHF spectrum must prevail over the private interest of licensees to maximize economic benefits.

In its Notice of Proposed Rulemaking, the Commission cites an ongoing goal of establishing a regulatory framework that will enhance operational flexibility and enable maritime spectrum licensees to compete more effectively against other commercial mobile radio service providers. The APA agrees that licensees should have the flexibility

to pursue every business opportunity afforded by their license. This flexibility, however, must be circumscribed by the larger public purpose of the regulations governing the bargained for service. At stake here is the viability of the Maritime Service. Arguing that a greater return on investment can be made by providing a different service (private land mobile use) and by being excused from performance of another (Maritime Public Correspondence Service), should not be sufficient justification for the Commission to reallocate or encumber the remaining scarce and vital VHF spectrum for Maritime Service.

The American Pilots' Association supports the Commission's proposed rulemaking to preserve the remaining maritime spectrum for maritime uses. Accordingly, the APA supports the continuation of the requirement for VPC licensees to provide maritime public correspondence service under part 80 regulations. The APA also supports the alignment of the maritime spectrum with ITU Radio Regulations in the interest of promoting compatibility with international shipping and maritime operations.